IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 34681 of 2005(D)

PETITIONER:

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1. M/S.AUTOMOTIVE MARKETING PRIVATE LTD.,
   35/189 NATIONAL HIGHWAY,
   PALARIVATTOM, KOCHI-20, REPRESENTED BY ITS
   MANAGING DIRECTOR.

2. P.K.RAMANATHAN,
   NARAYANA VIHAR,
   POONKUNNAM, THRISSUR.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:

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1. THE SPECIAL DEPUTY TAHSILDAR (RR),
   HOSDURG, KANHANGAD, KASARAGOD DISTRICT.

2. THE SALE TAX OFFICER,
   COMMERCIAL TAXES, HOSDURG,
   KANHANGAD, KASARAGOD.

3. P.MOIDEEN, AL AMEEN WOOD INDUSTRIES,
   KANHANGAD, KASARAGOD.

4. SUNIL JOSEPH,
   S/O.JOSEPH, MAMBILLIL, PADANAKKAD.P.O,
   KANHANGAD VILLAGE, HOSDURG TALUK,
   KASARAGOD.

5. THE DISTRICT COLLECTOR,
   KASARAGOD.

BY ADV. SRI.V.P.SUKUMAR
SRI.M.RAMESH CHANDER
ADV. SHRI.MOHAMMED RAFFIQ, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 34681/2005

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE SALE DEED NO. 3139/04 OF HOSDURG SUB REGISTRY.

P2 : COPY OF THE POSSESSION CERTIFICATE DATED 04/11/05.

P3 : COPY OF THE OWNERSHIP CERTIFICATE OF THE BUILDING IN THE NAME OF THE 4TH RESPONDENT NO. R1/11292/04 DATED 08/10/04.

P4 : COPY OF THE TAX RECEIPT FOR THE 4TH RESPONDENT DATED 31/10/05.

P5 : COPY OF THE ENCUMBRANCE CERTIFICATE DATED 13/8/04.

P6 : COPY OF THE LICENCE AGREEMENT DATED 13/9/05.

P7 : COPY OF THE LEAFLETS OF THE PETITIONERS.

P8 : COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT NO.S.T-7-04-05-E3.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 34681 of 2005

Dated, this the 6th day of June, 2007

J U D G M E N T

There will be direction to the first respondent to permit the petitioner to run the business until disposal of the appeal in defaulter's case. Recovery thereafter will be depending on the result of the appeal. The amount collected will be appropriated or refunded to the defaulter, based on orders in appeal, without any delay, after disposal of appeal.

2. Since enquiry was ordered by the Crime Branch, it will be open to the officer in-charge of the investigation to complete the enquiry and file a final report, if FIR is already registered, before the court.

This WP(C) is disposed of as above

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg